



JAMES E. JOHNSON
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, N.Y. 10007

ZACHARY KALMBACH
Assistant Corporation Counsel
phone: (212) 356-2322
fax: (212) 356-3509
zkalmbac@law.nyc.gov

February 27, 2020

VIA ECF

Honorable Katherine H. Parker
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

The initial case management conference scheduled for April 9, 2020 at 10:45 a.m. is hereby cancelled. The parties are directed to file a joint status letter by no later than **May 22, 2020** advising the Court whether the parties intend to follow the Section 1983 Plan. The letter shall also state whether the parties have exchanged initial disclosures and identify the documents that will be exchanged.

Re: Mark Polanco v. City of New York, et al.
20 Civ. 881 (LAK) (KHP)

Your Honor:

SO ORDERED:

03/02/2020

Katherine H. Parker
HON. KATHARINE H. PARKER
UNITED STATES MAGISTRATE JUDGE

I represent the City of New York (the "City") in the above-referenced matter. Because this case is designated as part of the Southern District of New York's Plan for Certain Section 1983 Cases against the City of New York ("Section 1983 Plan"), the City respectfully requests that the Court adjourn, *sine die*, the Initial Conference currently scheduled for April 9, 2020 at 10:45 a.m. and all other outstanding deadlines. This is the City's first such request. Plaintiff consents to this request.

Pursuant to the Section 1983 Plan, the City has eighty (80) days from the date of the service of the complaint and the appropriate § 160.50 and/or medical releases to answer the complaint (See S.D.N.Y. Local Civ. R. 83.10 § 1). The Complaint in the instant action was filed on January 31, 2020 (ECF No. 1) and, on February 4, 2020, the City was served with the Complaint and appropriate § 160.50 release. As such, the City's response to the Complaint is due April 24, 2020.

Furthermore, under the terms of the Section 1983 Plan, the parties are to have their Rule 26(f) conference within 14 days after the first defendant files its answer, initial disclosures should be exchanged within 21 days after the first defendant files its answer, and specific documents are to be exchanged between the parties within 28 days after the first defendant files its answer (See S.D.N.Y. Local Civ. R. 83.10 §§ 4-5). All other discovery is stayed, as the parties are then directed to engage in settlement discussions and either have a settlement conference with a Magistrate Judge or a mediation session with a Southern District mediator (See S.D.N.Y. Local Civ. R. 83.10 §§ 5-8).

After the first defendant files its answer, the parties are to confer as to whether or not they believe the case should be exempt from the Section 1983 Plan, and any application to exclude this case from the plan should be made within three weeks of the first defendant's answer (See S.D.N.Y. Local Civ. R. 83.10 § 4). To date, no party has applied to exempt this case from the Section 1983 Plan. Accordingly, the City respectfully submits that an Initial Conference at this stage is not necessary, as a limited discovery schedule has already been set forth in the Section 1983 Plan, and all other discovery is stayed pending a settlement conference or mediation session.

Accordingly, the City respectfully requests that the Court adjourn the Initial Conference currently scheduled for April 9, 2020 at 10:45 a.m. *sine die*, until after the Section 1983 Plan has run its course.

The City thanks the Court for its consideration of this request.

Respectfully submitted,

/s/ Zachary Kalmbach

Zachary Kalmbach

Assistant Corporation Counsel

Special Federal Litigation Division

cc: **Via ECF**
Steven Alan Hoffner
Law Office of Steven Hoffner
Attorney for plaintiff
325 Broadway, Suite 505
New York, New York 10007